

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATA CLOUD TECHNOLOGIES, LLC,
Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,
Defendant.

CIVIL ACTION NO. 6:21-cv-00662-ADA

CASE READINESS STATUS REPORT

Plaintiff DATA CLOUD TECHNOLOGIES, LLC (hereinafter, “DataCloud” or “Plaintiff”) and Defendant CHARTER COMMUNICATIONS, INC. (hereinafter, “Charter” or “Defendant”) (collectively, “the Parties”), hereby provide the following status report in advance of the initial Case Management Conference (CMC).

FILING AND EXTENSIONS

Plaintiff’s Complaint was filed on June 24, 2021. Charter initially waived service of process resulting in an initial response date of September 9, 2021 (*see* Dkt. No. 7) and subsequently requested and received an extension of 14 days (*see* Dkt. No. 9; granted September 1, 2021). DataCloud filed a First Amended Complaint (“FAC”) on October 7, 2021.

RESPONSE TO THE COMPLAINT

Defendant filed a Motion to Dismiss in response to the Complaint. *See* Dkt. No. 10. No counterclaims have been filed to date. Charter’s response to the First Amended Complaint is currently due on October 24, 2021.

PENDING MOTIONS

Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(3) and 12(b)(6) (Dkt. No. 10) is pending. DataCloud responded to Defendant’s motion on October 7, 2021. Assuming a

similar motion is refiled in response to the FAC, Plaintiff contends that it gives rise to the need for venue and jurisdictional discovery regarding the venue and jurisdiction issues raised therein. *See* June 8, 2021 Amended Standing Order Regarding Venue and Jurisdictional Discovery Limits For Patent Cases, at 1. Charter does not oppose reasonable venue discovery within the limits set forth in the Court's June 8, 2021 Amended Standing Order Regarding Venue and Jurisdictional Discovery Limits For Patent Cases to the extent that it pertains to factual issues raised in any forthcoming venue motion filed by Charter. Defendants reserve the right to object to any specific discovery requests propounded by DataCloud to the extent that they are unreasonable or otherwise objectionable under the Federal Rules of Civil Procedure, the local rules, and applicable case law.

RELATED CASES IN THIS JUDICIAL DISTRICT

None.

IPR, CBM, AND OTHER PGR FILINGS

IPR2021-00361 was filed on December 22, 2020. The PTAB granted institution on July 20, 2021. A final written decision is expected on or before July 20, 2022.

NUMBER OF ASSERTED PATENTS AND CLAIMS

In both the Original Complaint and FAC, Plaintiff asserted seven (7) patents and identified at least 7 claims that are infringed by the Accused Products. The asserted patents are U.S. Patent Nos. 6,560,613, 6,651,063, 6,824,064, 6,824,064, 8,370,457, 8,607,139, and 8,762,498. Plaintiff anticipates asserting no more than a total of 50 claims from among the seven (7) patents at issue in this litigation.

APPOINTMENT OF TECHNICAL ADVISER

The Parties do not request a technical adviser to be appointed to the case to assist the Court with claim construction or other technical issues.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred on October 7, 2021. The parties have no pre-Markman issues to raise at the CMC.

Dated: October 11, 2021

Respectfully submitted,

/s/ James F. McDonough, III

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Dated: October 11, 2021

Respectfully submitted,

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e-signed with express permission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 11th day of October, 2021 I caused to be electronically-filed the foregoing document with the Clerk of Court using the Court's CM/ECF system. As such, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ James F. McDonough, III
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